

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6618 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

R C VAGHASIA

DY ENGINEER (CIVIL)

Versus

SECRETARY

G E B

Appearance:

MR DS VASAVADA for Petitioners

MR MD PANDYA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/10/1999

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The petitioner No.1, an officer of the Board has completed nine years services on 29th July, 1975. He opted for the benefit of higher pay scale on the basis of nine years services from 30th July, 1975. He was granted this benefit from 30th July, 1976.

3. If we go by the statement filed by the respondent, annexure 'D' along with the reply, on the basis of the service record of the petitioner, no justification is borne out not to grant the benefits of higher pay scale to the petitioner from 30th July, 1975. On the basis of this material he could have been granted this benefit from 30th July, 1975 also. For not granting the higher pay scale benefit to the petitioner from 30th July, 1975, no cogent and justified reasons have been given out by the respondent.

4. As a result of the aforesaid discussion, this special civil application is allowed and it is hereby declared that the petitioner is entitled for higher pay scale benefits from 30th July, 1975. He shall be entitled for all the consequential benefits which follows as a result of this declaration. Rule is made absolute in the aforesaid terms with no order as to costs.

zgs/-